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Letter dated 18 April 2013 from the Secretary-General to the President of the Security Council

I have the honour to transmit a letter dated 10 April 2013 from Nkosazana Dlamini Zuma, Chairperson of the African Union Commission (see annex).

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

I am writing to you in the context of the decision on Western Sahara adopted by the African Union Executive Council at its twenty-second ordinary session, held in Addis Ababa on 24 and 25 January 2013. In that decision, the Executive Council requested the Commission to take all necessary measures for the organization of a referendum for the self-determination of the people of Western Sahara, in compliance with the relevant decisions of the Organization of African Unity and United Nations resolutions.

Earlier on, in August 2009, the Special Session on the Consideration and Resolution of Conflicts in Africa, convened by the Assembly of the Union in Tripoli, expressed support for the United Nations efforts to overcome the impasse on Western Sahara and relevant Security Council resolutions that call for direct negotiations between the two parties, namely the Kingdom of Morocco and the Frente Polisario, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. To this end, the Special Session called for the intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco.

The decision of the Executive Council was prompted by the recognition of the lack of progress towards the resolution of the dispute over the Territory of Western Sahara and the concern arising therefrom. It was also driven by the willingness of African Union member States to give proactive meaning and comprehensive scope to Pan-Africanism and African Renaissance, under which the fiftieth anniversary of the Organization of African Unity/African Union will be celebrated.

Indeed, the question of Western Sahara was first inscribed in 1963 in the United Nations list of Non-Self-Governing Territories to which the landmark Declaration on the Granting of Independence to Colonial Countries and Peoples is applicable. Fifty years have elapsed since then, and while most of the dependent territories have exercised their right to self-determination, the Territory of Western Sahara still remains on the list.

Given the dependent status of the Territory, the Organization of African Unity had been seized with the matter since its inception. In this respect, a number of resolutions were adopted, calling on Spain, as the administering Power, to enable the people of the Territory to exercise their right to self-determination, just as the United Nations had been doing. In particular, the nineteenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Addis Ababa from 6 to 12 June 1983, adopted resolution AHG/Res.104 (XIX) on an Organization of African Unity Peace Plan on Western Sahara, in which it notably urged the parties to the conflict, the Kingdom of Morocco and the Frente Polisario, to undertake direct negotiations with a view to bringing about a ceasefire to create the necessary conditions for a peaceful and fair referendum for the self-determination of the people of Western Sahara.

The settlement proposals that the United Nations, with support from the Organization of African Unity, presented to the two protagonists early in August 1988 were aimed at enabling the people of the Territory to exercise their right to

self-determination and independence, in accordance with General Assembly resolutions 1514 (XV) and 40/50, as well as resolution AHG/Res.104 (XIX). Unfortunately, neither the settlement proposals nor the subsequent efforts to resolve the dispute have succeeded in overcoming the impasse. Your Personal Envoy for Western Sahara, Christopher Ross, is currently seized with the issue, but five years on, and in spite of the commendable efforts deployed, progress is yet to be made.

Against this background, there is a need for renewed efforts by the international community to assist the two parties in overcoming the current impasse, on the basis of relevant United Nations resolutions. As your Personal Envoy recently stated, the current status quo is not a viable option. Indeed, this state of affairs contributes to continued tension in the Territory, as illustrated by the demonstrations that occurred over the past few years and the deteriorating human rights situation, which prompted a number of international stakeholders, including the African Commission on Human and Peoples' Rights, to call upon the Security Council to provide the United Nations Mission for the Referendum in Western Sahara with a human rights mandate, as is the case in many United Nations peacekeeping missions. The current situation also complicates all efforts towards integration in the Maghreb region. Furthermore, it has the potential to undermine regional security.

I am aware that the Security Council will consider this matter in the coming days, and I would therefore appreciate it if the contents of this letter could be circulated to all members of the Security Council for their information, consideration and action as appropriate.

Lastly, I intend to submit a report to the Executive Council on the matter at its next session, in May 2013. In this respect, and in order to provide the Executive Council with as comprehensive an update as possible, I would appreciate receiving an update from the United Nations on its efforts. I would also like to extend an invitation to your Personal Envoy to visit Addis Ababa as early as possible for an exchange of views with the Commission on the best way forward.

(*Signed*) Nkosazana **Dlamini Zuma**